

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

FRANK MORRIS CROWLEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-08-357-F
)	
JUSTIN JONES, Director,)	
)	
Defendant.)	

ORDER

This action seeks habeas relief under 28 U.S.C. § 2254. Petitioner appears *pro se*, and his pleadings are liberally construed.

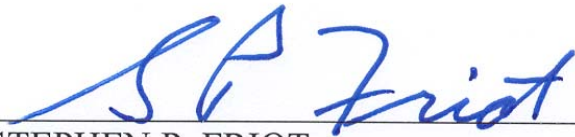
Magistrate Judge Bana Roberts entered her Report and Recommendation in this matter on September 24, 2008 (doc. no. 16). In that Report, the magistrate judge recommended that defendant's motion to dismiss (doc. no. 11) be granted, and that the petition be dismissed as time-barred pursuant to 28 U.S.C. § 2244(d)(1)(A). The Report advised petitioner of his right to file an objection to the Report by October 14, 2008. The Report further advised that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Petitioner has not objected to the Report and has not sought a request for an extension of time within which to object.

After review of the Report, the record, and the relevant authorities, and with there being no objection, the court finds and concludes that it concurs with the magistrate judge's determinations and that no purpose would be served by repeating those determinations, or any analysis, here.

Accordingly, the Report and Recommendation of Magistrate Judge Bana Roberts is **ACCEPTED**, **ADOPTED**, and **AFFIRMED** in its entirety. For the

reasons stated in the Report, defendant's motion to dismiss is **GRANTED**, and the petition is **DISMISSED** as time-barred pursuant to 28 U.S.C. §2244(d)(1)(A).

Dated this 30th day of October, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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